

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:11-cr-057

-vs-

Magistrate Judge Michael R. Merz

:

JOHN LEGNER,

Defendant.

DECISION AND ORDER

This case is before the Court on Defendant's Motion to Reduce Sentence (Doc. No. 19). Although municipal judges in Ohio have (or had when the undersigned was last a municipal judge) authority to reduce a misdemeanor sentence, a federal district court may not modify a term of imprisonment once it has been imposed, except under certain limited circumstances, including when permitted by statute or Fed. R. Crim. P. 35. *United States v. Hall*, 661 F.3d 320 (6th Cir. 2011). Fed. R. Crim. P. 35 only permits reduction upon a substantial assistance motion of the Government.

February 1, 2012.

s/ **Michael R. Merz**
United States Magistrate Judge

